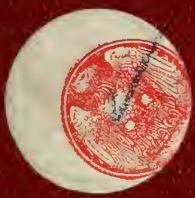

SPEECH

OF

MR. BUCHANAN, OF PENNSYLVANIA,

ON THE

RESOLUTION OF COL. BENTON,

TO

EXPUNGE FROM THE JOURNAL OF THE SENATE,

THE

RESOLUTION OF THE TWENTY-EIGHT OF MARCH, 1834.

Delivered in the Senate of the U. S. January 16, 1837.

WASHINGTON:
PRINTED AT THE GLOBE OFFICE.
1837.

SPEECH.

In the Senate of the United States, Monday, January 16, 1837—Upon the resolution offered by Col. BENTON of Missouri, to expunge from the Journals of the Senate, the resolution of the 28th day of March, 1834, condemning President JACKSON, by drawing black lines around the same, and writing across the face thereof, the words "EXPUNGED BY ORDER OF THE SENATE, THIS ——DAY OF ———, IN THE YEAR OF OUR LORD 1837."

After Mr. CLAY had resumed his seat, Mr. BUCHANAN rose and spoke as follows:

Mr. PRESIDENT: After the able and eloquent display of the Senator from Kentucky, (Mr. Clay,) who has just resumed his seat, after having so long enchained the attention of his audience, it might be the dictate of prudence for me to remain silent. But I feel too deeply my responsibility as an American Senator, not to make the attempt to place before the Senate and the country, the reasons which, in my opinion, will justify the vote which I intend to give this day.

A more grave and solemn question has rarely, if ever, been submitted to the Senate of the United States, than the one now under discussion. This Senate is now called upon to review its own decision—to sit in judgment upon its own justice, and to annihilate its own sentence, deliberately pronounced against the co-ordinate Executive branch of the Government. On the 28th of March, 1834, the American Senate in the face of the American people, in the face of the whole world, by a solemn resolution pronounced the President of the United States to be a violator of the Constitution of his country—of that Constitution which he was solemnly sworn "to preserve, protect, and defend." Whether we consider the exalted character of the tribunal which pronounced this condemnation, or the illustrious object against which it was directed, we ought to feel deeply impressed with the high and lasting importance of the present proceeding. It is in fact, if not in form, the trial of the Senate, for having unjustly and unconstitutionally tried and condemned the President; and then accusers are the American people. In this cause I am one of the judges. In some respects, it is a painful position for me to occupy. It is vain, however, to express unavailing regrets. I must, and shall, firmly and steadily, do my duty; although in the performance of it I may wound the feelings of gentlemen whom I respect and esteem. I shall proceed no farther than the occasion demands, and will, therefore, justify.

Who was the President of the United States, against whom this sentence has been pronounced? Andrew Jackson—a name which every American mother, after the party strife which agitates us for the present moment shall have passed away, will, during all the generations which this Republic is destined to endure, teach her infant to lisp with that of the venerated name of Washington. The one was the founder, the other the preserver, of the liberties of his country.

If President Jackson has been guilty of violating the Constitution of the United States, let impartial justice take its course. I admit that it is no justification for such a crime, that his long life has been more distinguished by acts of disinterested patriotism than that of any American citizen now living. It is no justification that the honesty of his heart and the purity of his intentions have become proverbial, even amongst his political enemies. It is no justification that in the hour of danger, and in the day of battle he has been his country's shield. If he has been guilty, let his name be "damned to everlasting fame," with those of Cæsar and of Napoleon.

If, on the other hand, he is pure and immaculate from the charge, let us be swift to do him justice, and to blot out the foul stigma which the Senate have placed upon his character. If we are not, he may go down to the grave in doubt as to what may be the final judgment of his country. In any event, he must soon retire to the shades of private life. Shall we, then, suffer his official term to expire, without first doing him justice? It may be said of me, as it has already been said of other Senators, that I am one of the gross adulators of the President. But, sir, I have never said thus much of him whilst he was in the meridian of his power. Now that his political sun is nearly set, I feel myself at liberty to pour forth my grateful feelings, as an American citizen, to a man who has done so much for his country. I have never, for myself, either directly or indirectly, solicited office at his hands; and my character must greatly change, if I should ever do so from any of his successors. If I should bestow upon him the meed of my poor praise, it springs from an impulse far different from that which has been attributed to the majority on this floor. I speak as an independent freeman and American Senator;

and I feel proud now to have the opportunity of raising my voice in his defence.

On the 28th day of March, 1834, the Senate of the United States resolved, "that the President, in the late Executive proceedings, in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

In discussing this subject, I shall undertake to prove, first, that this resolution is unjust; secondly, that it is unconstitutional; and in the last place, that it ought to be expunged from our journals, in the manner proposed by the Senator from Missouri, (Mr. Benton.)

First, then, it is unjust. On this branch of the subject I had intended to confine myself to a bare expression of my own decided opinion. This point has been so often and so ably discussed, that it is impossible for me to cast any new light upon it. But as it is my intention to follow the footsteps of the Senator from Kentucky (Mr. Clay,) wherever they may lead, I must again tread the ground which has been so often trodden. As the Senator, however, has confined himself to a mere passing reference to the topics which this head presents, I shall, in this particular, follow his example.

Although the resolution condemning the President is vague and general in its terms, yet we all know that it was founded upon his removal of the public deposites from the Bank of the United States. The Senator from Kentucky has contended that this act was a violation of law. And why? Because, says he, it is well known that the public money was secure in that institution; and by its charter the public deposites could not be removed from it, unless under a just apprehension that they were in danger. Now, sir, I admit that if the President had no right to remove these deposites, except for the sole reason that their safety was in danger, the Senator has established his position. But what is the fact? Was the Government thus restricted by the terms of the bank charter? I answer, no. Such a limitation is no where to be found in it. Let me read the sixteenth section, which is the only one relating to the subject. It enacts, "that the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, *unless the Secretary of the Treasury shall at any time otherwise order and direct;* in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

Is not the authority thus conferred upon the Secretary of the Treasury as broad and as ample as the English language will admit? Where is the limitation, where the restriction? One might have supposed from the argument of the Senator from Kentucky, that the charter restricted the Secretary of the Treasury from removing the deposites, unless he believed them to be insecure in the Bank of the United States; but the language of the law itself completely refutes his argument. They were to remain in the Bank of the United States, "*unless the Secretary of the Treasury shall at any time otherwise order and direct.*"

The sole limitation upon the discretion of that officer was his immediate and direct responsibility to Congress. To us he was bound to render his reasons for removing the deposites. We, and we alone, are constituted the judges as to the sufficiency of these reasons.

It would be an easy task to prove that the authors of the bank charter acted wisely in not limiting the discretion of the Secretary of the Treasury over the deposites to the single case of their apprehended insecurity. We may imagine many other reasons which would have rendered their removal both wise and expedient. But I forbear; especially as the case now before the Senate presents as striking an illustration of this proposition as I could possibly imagine. Upon what principle, then, do I justify the removal of the deposites?

The Bank of the United States had determined to apply for a recharter at the session of Congress immediately preceding the last Presidential election. Preparatory to this application, and whilst it was pending, in the short space of sixteen months, it had increased its loans more than $28,000,000. They rose from forty-two millions to seventy millions between the last of December, 1830, and the first of May, 1832. Whilst this boasted regulator of the currency was thus expanding its discounts, all the local banks followed the example. The impulse of self-interest urged them to pursue this course. A delusive prosperity was thus spread over the land. Money, every where, became plenty. The bank was regarded as the beneficent parent, who was pouring her money out into the laps of her children. She thought herself wise and provident in thus rendering herself popular. The recharter passed both Houses of Congress by triumphant majorities. But then came "the frost, the killing frost." It was not so easy to propitiate "the Old Roman." Although he well knew the power and influence which the bank could exert against him at the then approaching Presidential election, he cast such considerations to the winds. He vetoed the bill, and in the most solemn manner placed himself for trial upon this question before the American people.

From that moment the faith of many of his former friends began to grow cold. The bank openly took the field against his re-election. It expended large sums in subsidizing editors, and in circulating pamphlets, and papers, and speeches, throughout the Union, calculated to inflame the public mind against the President. I merely glance at these things.

Let us pause for a single moment to consider the consequences of such conduct. What right had the bank, as a corporation, to enter the arena of politics for the purpose of defending itself, and attacking the President? Whilst I freely admit that each individual stockholder possessed the same rights, in this respect, as every other American citizen, I pray you to consider what a dangerous precedent the bank has thus established. Our banks now number nearly a thousand, and our other chartered institutions are almost innumerable. If all these corporations are to be justified in using their corporate funds for the purpose of influencing elections; of elevating their political friends, and crushing their political foes, our condition is truly deplorable. We shall thus introduce into the State

a new, a dangerous, and an alarming power, the effects of which no man can anticipate. Watchful jealousy is the price which a free people must ever pay for their liberties; and this jealousy should be Argus-eyed in watching the political movements of corporations.

After the bank had been defeated in the Presidential election, it adopted a new course of policy. What it had been unable to accomplish by making money plenty, it determined it would wrest from the sufferings of the people by making money scarce. Pressure and panic then became its weapons; and with these it was determined, if possible, to extort a recharter from the American people. It commenced this warfare upon the interests of the country about the first of August, 1833. In two short months it decreased its loans more than four millions of dollars, whilst the deposites of the Government with it had increased, during the same period, two millions and a quarter. I speak in round numbers. It was then in the act of reducing its discounts at the rate of two millions of dollars per month.

The State banks had expanded their loans with the former expansion of the Bank of the United States. It now became necessary to contract them. The severest pressure began to be felt every where. Had the Bank of the United States been permitted a short time longer to proceed in this course, fortified as it was with the millions of the Government which it held on deposite, a scene of almost universal bankruptcy and insolvency must have been presented in our commercial cities. It thus became absolutely necessary for the President either to deprive the bank of the public deposites, as the only means of protecting the State banks, and through them the people, from these impending evils, or calmly to look on and see it spreading ruin throughout the land. It was necessary for him to adopt this policy for the purpose of preventing a universal derangement of the currency, a general sacrifice of property, and, as an inevitable consequence, the recharter of this institution.

By the removal of the deposites he struck a blow against the bank from which it has never since recovered. This was the club of Hercules with which he slew the hydra. This was the master stroke by which he prostrated what a large majority of the American people believe to have been a corrupt and a corrupting institution. For this he is not only justified, but deserves the eternal gratitude of his country. For this the Senate have condemned him; but the people of the United States have hailed him as a deliverer.

It has been said by the Senator from Kentucky, that the President, by removing the deposites from the Bank of the United States, united in his own hands the power of the purse of the nation with that of the sword. I think it is not difficult to answer this argument. What was to become of the public money, in case it had been removed from the Bank of the United States, under its charter, for the cause which the Senator himself deems justifiable. Why, sir, it would then have been immediately remitted to the guardianship of those laws under which it had been protected before the Bank of the United States was called into existence. Such was the present case. In regard to this point, no matter whether the cause of removal were sufficient or not, the moment the deposites were actually removed they became subject to the pre-existing laws, and not to the arbitrary will of the President.

The Senator from Kentucky has contended that the President violated the Constitution and the laws, by dismissing Mr. Duane from office because he would not remove the deposites; and by appointing Mr. Taney to accomplish this purpose. I shall not discuss at any length the power of removal. It is now too late in the day to question it. That the Executive possesses this power was decided by the first Congress. It has often since been discussed and decided in the same manner, and it has been exercised by every President of the United States. The President is bound by the Constitution to "take care that the laws be faithfully executed." If he cannot remove his executive officers, it is impossible that he can perform this duty. Every inferior officer might set up for himself; might violate the laws of the country, and put him at defiance, whilst he would remain perfectly powerless. He could not arrest their career. A foreign minister might be betraying and disgracing the nation abroad, without any power to recall him until the next meeting of the Senate. This construction of the Constitution involves so many dangers and so many absurdities, that it could not be maintained for a moment, even if there had not been a constant practice against it of almost half a century.

But it is contended by the Senator that the Secretary of the Treasury is a sort of independent power in the State, and is released from the control of the Executive. And why? Simply because he is directed by law to make his annual report to Congress and not to the President. If this position be correct, then it necessarily follows that the Executive is released from the obligation of taking care that the numerous and important acts of Congress regulating the fiscal concerns of the country shall be faithfully executed. The Secretary of the Treasury is thus made independent of his control. What would be the position of this officer under such a construction of the Constitution and laws, it would be very difficult to decide. And this wonderful transformation of his character has arisen from the mere circumstance that Congress have by law directed him to make an annual report to them! No, sir: the Executive is responsible to Congress for the faithful execution of all the laws; and if the present or any other President should prove faithless to his high trust, the present Senate, notwithstanding all which has been said, would be as ready as their predecessors to inflict condign punishment upon him, in the mode pointed out by the Constitution.

I have now arrived at the great question of the constitutional power of the Senate to adopt the resolution of March, 1834. It is my firm conviction that the Senate possesses no such power: and it is now my purpose to establish this position. The decision on this point must depend upon a true answer to the question, Does this resolution contain any impeachable charge against the President? If it does, I trust I shall demonstrate that the Senate violated its constitutional duty in proceeding to condemn him in this manner. I shall again read the resolution:

"*Resolved*, That the President, in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

This language is brief and comprehensive. It comes at once to the point. It bears a striking impress of the character of the Senator from Kentucky. Does it charge an impeachable offence against the President?

The fourth section of the second article of the Constitution declares that "the President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

It has been contended that this condemnatory resolution contains no impeachable offence, because it charges no criminal intention against the President: and I admit that it does not attribute to him any corrupt motive in express words. Is this sufficient to convince the judgment of any impartial man that none such was intended? Let us, for a few moments, examine this proposition. If it be well founded, the Senate may for ever hereafter usurp the power of trying, condemning, and destroying any officer of the Government, without affording him the slightest opportunity of being heard in his defence. They may thus abuse their power, and prostrate any object of their vengeance. It seems we have now made the discovery, that the Senate are authorized to exert this tremendous power—that they may thus assume to themselves the office both of accuser and of judge, provided the indictment contains no express allegation of a criminal intention. The President, or any officer of the Government, may be denounced by the Senate as a violator of the Constitution of his country,—as derelict in the peformance of his public duties, provided there be no express imputation of an improper motive. The characters of men whose reputation is dearer to them than their lives may thus be destroyed. They may be held up to public execration by the omission of a few formal words. The condemnation of the Senate carries with it such a moral power, that perhaps there is no man in the United States, except ANDREW JACKSON, who could have resisted its force. No, sir: such an argument can never command conviction. That which we have no power to do directly, we can never accomplish by indirect means. We cannot by resolution convict a man of an impeachable offence, merely because we may omit the formal words of an impeachment. We must regard the substance of things, and not the mere form.

But again. Although a criminal intention be not charged, in so many words, by this resolution, yet its language, even without the attendant circumstances, clearly conveys this meaning. The President is charged with having "assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." "Assumed upon himself." What is the plain palpable meaning of this phrase connected with what precedes and follows? Is it not "to arrogate," "to claim or seize unjustly." These are two of the first meanings of the word assume, according to the lexicographers. To assume upon oneself, is a mode of expression which is rarely taken in a good sense. As it is used here, I ask if any man of plain common understanding, after reading this resolution, would ever arrive at the conclusion that any Senator voted for it under the impression that the President was innocent of any improper intention, and that he violated the Constitution from mere mistake, and from pure motives? The common sense of mankind revolts at the idea. How can it be contended, for a single moment, that you can denounce the President as a man who had "assumed upon himself" the power of violating the laws and the Constitution of his country, and in the same breath declare that you had not the least intention to criminate him, and that your language was altogether inoffensive. The two propositions are manifestly inconsistent.

But I go one step further. If we were sitting as a court of impeachment, and the bare proposition were established to our satisfaction, that the President had, in violation of the Constitution and the law, withdrawn the public revenue of the country from the depository to whose charge Congress had committed it, and assumed the control over it himself, we would be bound to convict him of a high official misdemeanor. Under such circumstances, we should be bound to infer a criminal intention from this illegal and unconstitutional act. Criminal justice could never be administered,—society could not exist, if the tribunals of the country should not attribute evil motives to illegal and unconstitutional conduct. Omniscience alone can examine the heart. When poor frail man is placed in the judgment seat, he must infer the intentions of the accused from his actions. That "the tree is known by its fruits" is an axiom which we have derived from the fountain of all truth. Does a poor, naked, hungry wretch, at this inclement season of the year, take from my pocket a single dollar; the law infers a criminal intent, and he must be convicted and punished as a thief, though he may have been actuated by no other motive than that of saving his wife and his children from starvation. And shall a different rule be applied to the President of the United States? Shall it be said of a man elevated to the highest station on earth, for his wisdom, his integrity and his virtues, with all his constitutional advisers around him, when he violates the Constitution of his country, and usurps the control over its entire revenue, that he may successfully defend himself by declaring that he had done this deed, without any criminal intention? No, sir: in such a case, above all others, the criminal intention must be inferred from the unconstitutional exercise of high and dangerous powers. The safety of the Republic demands that the President of the United States should never shield himself behind such flimsy pretexts. This resolution, therefore, although it may not have assumed the form of an article of impeachment, possesses all the substance.

It was my fate some years ago to have assisted as a manager, in behalf of the House of Representatives, in the trial of an impeachment before this body. It then became my duty to examine all the precedents in such cases which had occurred under our Government, since the adoption of the Federal Constitution. On that occasion, I found

one which has a strong bearing upon this question. I refer to the case of Judge Pickering. He was tried and condemned by the Senate upon all the four articles exhibited against him; although the three first contained no other charge than that of making decisions contrary to law, in a cause involving a mere question of property, and then refusing to grant the party injured an appeal from his decision, to which he was entitled. From the clear violation of law in this case, the Senate must have inferred an impure and improper motive.

If any thing further were wanting to prove that the resolution of the Senate contained a criminal and impeachable charge against the President, it might be demonstrated from all the circumstances attending the transaction. Whilst this resolution was in progress through the Senate, the Bank of the United States was employed in producing panic and pressure throughout the land. Much actual suffering was experienced by the people; and where that did not exist, they dreaded unknown and awful calamities. Confidence between man and man was at an end. There was a fearful pause in the business of the country. We were then engaged in the most violent party conflict recorded in our annals. To use the language of the Senator from Kentucky, we were in the midst of a revolution. On the one side it was contended that the power over the purse of the nation had been usurped by the President; that in his own person he had united this power with that of the sword, and that the liberties of the people were gone, unless he could be arrested in his mad career. On the other hand, the friends of the President maintained that the removal of the deposites from the Bank of the United States was an act of stern justice to the people; that it was strictly legal and constitutional; that he was impelled to it by the highest and purest principles of patriotism; and that it was the only means of prostrating an institution which threatened the destruction of our dearest rights and liberties. During this terrific conflict public indignation was aroused to such a degree, that the President received a great number of anonymous letters, threatening him with assassination unless he should restore the deposites.

It was during the pendency of this conflict throughout the country, that the Senator from Kentucky thought proper, on the 26th December, 1833, to present his condemnatory resolution to the Senate. And here, sir, permit me to say that I do not believe there was any corrupt connection between any Senator upon this floor and the Bank of the United States. But it was at this inauspicious moment that the resolution was introduced. How was it supported by the Senator from Kentucky? He told us that a revolution had already commenced. He told us that by the 3d of March, 1837, if the progress of innovation should continue, there would be scarcely a vestige remaining of the Government and policy as they had existed prior to the 3d March, 1829. That in a term of years a little more than that which was required to establish our liberties, the Government would be transformed into an elective monarchy—the worst of all forms of government. He compared the measure adopted by General Jackson with the conduct of the usurping Cæsar, who, after he had overrun Italy in sixty days, and conquered the liberties of his native country, terrified the Tribune Metellus, who guarded the treasury of the Roman people, and seized it by open force. He declared that the President had proclaimed an open, palpable, and daring usurpation. He concluded by asserting that the premonitory symptoms of despotism were upon us; and if Congress did not apply an instantaneous and effective remedy, the fatal collapse would soon come on, and we should die—ignobly die! base, mean, and abject slaves, the scorn and contempt of mankind, unpitied, unwept, and unmourned. What a spectacle was then presented in this chamber! We are told, in the reports of the day, that, when he took his seat, there was repeated and loud applause in the galleries. This, it will be remembered, was the introductory speech of the Senator. In my opinion, it was one of the ablest and most eloquent of all his able and eloquent speeches. He was then riding upon the whirlwind and directing the storm. At the time I read it, for I was not then in the Senate, it reminded me of the able, the vindictive, and the eloquent appea of Mr. Burke before the House of Lords, on the impeachment of Warren Hastings, in which he denounced that Governor General as the ravager and oppressor of India, and the scourge of the millions who had been placed under his authority.

And yet, we are now told that this resolution did not intend to impute any criminal motive to the President. That he was a good old man, though not a good constitutional lawyer: and that he knew better how to wield the sword than to construe the Constitution.

[Mr. CLAY here rose to explain. He said, "I never have said and never will say, that personally I acquitted the President of any improper intention. I lament that I cannot say it. But what I did say, was that the act of the Senate of 1834 is free from the imputation of any crimnal motives."]

Sir, said Mr. B. this avowal is in character with the frank and manly nature of the Senator from Kentucky. It is no more than what I expected from him. The imputation of any improper motive to the President has been again and again disclaimed by other Senators upon this floor. The Senator from Kentucky has now boldly come out in his true colors, and avows the principles which he held at the time. He acknowledges that he did not acquit the President from improper intentions, when charging him with a violation of the Constitution of his country.

This trial of the President before the Senate, continued for three months. During this whole period, instead of the evidence which a judicial tribunal ought to receive, exciting memorials, signed by vast numbers of the people, and well calculated to inflame the passions of his judges, were daily pouring in upon the Senate. He was denounced upon this floor by every odious epithet which belongs to tyrants. Finally, the obnoxious resolution was adopted by the vote of the Senate, on the 28th day of March, 1834. After the exposition which I have made, can any impartial mind doubt but that this resolution intended to charge against the President a wilful and daring violation of the Constitution and the laws? I think not.

The Senator from Kentucky has argued, with his usual power, that the functions of the Senate, acting in a legislative capacity, are not to be restricted, because it is possible that the same question, in another form, may come before us judicially. I concur in the truth and justice of this position. We must perform our legislative duties; and if, in the investigation of facts, having legislation distinctly in view, we should incidentally be led to the investigation of criminal charges, it is a necessity imposed upon us by our condition, from which we cannot escape. It results from the varying nature of our duties, and not from our own will. I admit that it would be difficult to mark the precise line which separates our legislative from our judicial functions. I shall not attempt it. In many cases, from necessity, they are, in some degree, intermingled. The present resolution, however, stands far in advance of this line. It is placed in bold relief, and is clear of all such difficulties. It is a mere naked resolution of censure. It refers solely to the past conduct of the President, and condemns it in the strongest terms, without even proposing any act of legislation by which the evil may be remedied hereafter. It was judgment upon the past alone; not prevention for the future. Nay, more: the resolution is so vague and general in its terms, that it is impossible to ascertain from its face the cause of the President's condemnation. The Senate have resolved that the Executive "has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." What is the specification under this charge? Why, that he has acted thus, "in the late Executive proceedings in relation to the public revenue." What Executive proceedings? The resolution leaves us entirely in the dark upon this subject. How could any legislation spring from such a resolution? It is impossible. None such was ever attempted.

If the resolution had preserved its original phraseology—if it had condemned the President for dismissing one Secretary of the Treasury because he would not remove the deposites, and for appointing his successor to effect this purpose, the Senator might then have contended that the evil was distinctly pointed out; and, although no legislation was proposed, the remedy might be applied hereafter. But he has deprived himself even of this feeble argument. He has left us upon an ocean of uncertainty, without chart or compass. "The late Executive proceedings in relation to the revenue," is a phrase of the most general and indefinite character. Every Senator who voted in favor of this resolution, may have acted upon different principles. To procure its passage, nothing more was necessary than that a majority should unite in the conclusion that the President had violated the Constitution and the laws in some one or other of his numerous acts in relation to the public revenue. The views of Senators constituting the majority may have varied from each other to any conceivable extent; and yet they may have united in the final vote. That this was the fact to a considerable extent, I have always understood. It is utterly impossible, either that such a proceeding could ever have been intended to become the basis of legislation, or that legislative action could have ever sprung from such a source.

I flatter myself, then, I have succeeded in proving that this resolution charged the President with a high official misdemeanor, wholly disconnected from legislation, which, if true, ought to have subjected him to impeachment.

This brings me directly to the question, had the Senate any power, under the Constitution, to adopt such a resolution? In other words, can the Senate condemn a public officer by a simple resolution, for an offence which would subject him to an impeachment? To state the proposition, is to answer this question in the negative. Dreadful would be the consequences if we possess and should exercise such a power.

This body is invested with high and responsible powers of a legislative, an executive, and a judicial character. No person can enter it until he has attained a mature age. Our term of service is longer than that of any other elective functionary. If Senators will have it so, it is the most aristocratic branch of our Government. For what purpose did the framers of the Constitution confer upon it these varied and important powers, and this long tenure of office? The answer is plain. It was placed in this secure and elevated position that it might be above the storms of faction which so often inflame the passions of men. It never was intended to be an arena for political gladiators. Until the second session of the third Congress, the Senate always sat with closed doors, except in the single instance when the eligibility of Mr. Gallatin to a seat in the body was the subject of discussion. Of this particular practice, however, I cannot approve. I merely state it, to show the intention of those who formed the Constitution. I was informed by one of the most eminent statesmen and Senators which this country has ever produced, now no more, (the late Mr. King,) that for some years after the Federal Government commenced its operation, the debates of the Senate resembled conversations rather than speeches, and that it originated but few legislative measures. Senators were then critics rather than authors in legislation. Whether its gain in eloquence, since it has become a popular assembly, and since the sound of thundering applause has been heard in our galleries at the denunciation of the President, has been an equivalent for its loss in true dignity, may well be doubted. To give this body its just influence with the people, it ought to preserve itself as free as possible from angry political dissensions. In the performance of our executive duties; in the ratification of treaties, and in the confirmation of nominations, the Constitution has connected us with the Executive. The efficient and successful administration of the Government therefore requires that we should move on together in as much harmony as may be consistent with the independent exercise of our respective functions.

But above all, we should be the most cautious in guarding our judicial character from suspicion. We constitute the high court of impeachment of this nation, before which every officer of the Government may be arraigned. To this tribunal is committed the character of men whose character is far dearer to them than their lives. We should be the rock standing in the midst of the ocean, for the

purpose of affording a shelter to the faithful officer from unjust persecution, against which the billows might dash themselves in vain. Whilst we are a terror to evil doers, we should be a praise to those who do well. We should never voluntarily perform any act which might prejudice our judgment, or render us suspected as a judicial tribunal. More especially, when the President of the U. States is arraigned at the bar of public opinion for offences which might subject him to an impeachment, we should remain not only chaste but unsuspected. Better, infinitely better, would it be for us not to manifest our feeling, even in a case in which we were morally certain the House of Representatives would not prefer before us articles of impeachment, than to reach the object of our disapprobation by a usurpation of their rights. It is true that when the Senate passed the resolution condemning the President, a majority in the House were of a different opinion. But the next elections might have changed that majority into a minority. The House might then have voted articles of impeachment against the President. Under such circumstances, I pray you to consider in what a condition the Senate would have been placed. They had already prejudged the case. They had already convicted the President, and denounced him to the world as a violator of the Constitution. In criminal prosecutions, even against the greatest malefactor, if a juror has prejudged the cause, he cannot enter the jury box. The Senate had rendered itself wholly incompetent, in this case, to perform its highest judicial functions. The trial of the President, had articles of impeachment been preferred against him, would have been but a solemn mockery of justice.

The Constitution of the United States has carefully provided against such an enormous evil, by declaring that "the House of Representatives shall have the sole power of impeachment," and "the Senate shall have the sole power to try all impeachments." Until the accused is brought before us by the House, it is a manifest violation of our solemn duty to condemn him by a resolution.

If a court of criminal jurisdiction, without any indictment having been found by a grand jury, without having given the defendant notice to appear, without having afforded him an opportunity of cross-examining the witnesses against him, and making his defence, should resolve that he was guilty of a high crime, and place this conviction upon their records, all mankind would exclaim against the injustice and unconstitutionality of the act. Wherein consists the difference between this case and the condemnation of the President? In nothing, except that such a conviction by the Senate, on account of its exalted character, would fall with tenfold force upon its object. I have often been astonished, notwithstanding the extended and well deserved popularity of General Jackson, that the moral influence of this condemnation by the Senate had not crushed him. With what tremendous effect might this assumed power of the Senate be used to blast the reputation of any man who might fall under its displeasure! The precedent is extremely dangerous; and the American people have wisely determined to blot it out for ever.

It is painful to reflect what might have been the condition of the country, if at the inauspicious moment of the passage of the resolution against the President, its interests and its honor had rendered it necessary to engage in a foreign war. The fearful consequences of such a condition, at such a moment, must strike every mind. Would the Senate then have confided to the President the necessary power to defend the country? Where could the sinews of war have been found? In what condition was this body, at that moment, to act upon an important treaty negotiated by the President, or upon any of his nominations? But I forbear to enlarge upon this topic.

I have now arrived at the last point in this discussion. Do the Senate possess the power, under the Constitution, of expunging the resolution of March, 1834, from their journals, in the manner proposed by the Senator from Missouri? (Mr. Benton.) I cheerfully admit we must show that this is not contrary to the Constitution; for we can never redress one violation of that instrument by committing another. Before I proceed to this branch of the subject, I shall put myself right, by a brief historical reminiscence. I entered the Senate in December, 1834, fresh from the ranks of the people, without the slightest feeling of hostility against any Senator on this floor. I then thought that the resolution of the Senator from Missouri was too severe in proposing to *expunge*. Although I was anxious to record, in strong terms, my entire disapprobation of the resolution of March, 1834, yet I was willing to accomplish this object without doing more violence to the feelings of my associates on this floor, than was absolutely necessary to justify the President. Actuated by these friendly motives, I exerted all my little influence with the Senator from Missouri, to induce him to abandon the word *expunge*, and substitute some others in its place. I knew that this word was exceedingly obnoxious to the Senators who had voted for the former resolution. Other friends of his also exerted their influence; and at length his kindly feelings prevailed, and he consented to abandon that word, although it was peculiarly dear to him. I speak from my own knowledge. "All which I saw and part of which I was."

The resolution of the Senator from Missouri came before the Senate on the 3d of March, 1835. Under it the resolution of March 1834, was "ordered to be expunged from the journal," for reasons appearing on its face, which I need not enumerate. The Senator from Tennessee, (Mr. White,) moved to amend the resolution of the Senator from Missouri, by striking out the order to expunge, with the reasons for it, and inserting in their stead the words, "rescinded, reversed, repealed, and declared to be null and void." Some difference of opinion then arose among the friends of the Administration as to the words which should be substituted in place of the order to expunge. For the purpose of leaving this question perfectly open, you sir, (Mr. King, of Alabama, was in the chair,) then moved to amend the original motion of Mr. Benton, by striking out the words, "ordered to be expunged from the journal of the Senate." This motion prevailed, on the ayes and noes, by a vote of 39 to 7; and amongst the ayes, the name of the Senator from Missouri is recorded. The resolu-

tion was thus left a blank, in its most essential feature, ready to be filled up as the Senate might direct. The era of good feeling, in regard to this subject, had commenced. It was nipped in the bud, however, by the Senator from Massachusetts, (Mr. Webster.) Whilst the resolution was still in blank, he rose in his place, and proclaimed the triumph of the Constitution, by the vote to strike out the word expunge, and then moved to lay the resolution on the table, declaring that he would neither withdraw his motion for friend nor foe. This motion precluded all amendment and all debate. It prevailed by a party vote; and thus we were left with our resolution a blank. Such was the manner in which the Senators in opposition received our advances of courtesy and kindness, in the moment of their strength and our weakness. Had the Senator from Massachusetts suffered us to proceed but for five minutes, we should have filled up the blank in the resolution. It would then have assumed a distinct form, and they would never afterwards have heard of the word expunge. We should have been content with the words "rescinded, reversed, repealed, and declared to be null and void." But the conduct of the Senator from Massachusetts on that occasion, and that of the party with which he acted, roused the indignation of every friend of the administration on this floor. We then determined that the word *expunge* should never again be surrendered.

The Senator from Kentucky has introduced a precedent from the proceedings of the House of Representatives of Pennsylvania, for the purpose of proving that we have no right to adopt this resolution. To this I can have no possible objection. But I can tell the Senator, if I were convinced that I had voted wrong, when comparatively a boy, more than twenty years ago, the fear of being termed inconsistent would not now deter me from voting right upon the same question. I do not, however, repent of my vote upon that occasion. I would now vote in the same manner, under similar circumstances. I should not vote to expunge, under any circumstances, any proceeding from the journals by obliterating the record. If I do not prove, before I take my seat, that the case in the Legislature of Pennsylvania was essentially different from that now before the Senate, I shall agree to be proclaimed inconsistent and time-serving.

It was my settled conviction at the commencement of the last session of Congress, that the Senate had no power to obliterate their journal. This was shaken, but not removed, by the argument of the Senator from Louisiana, (Mr. Porter,) who confessedly made the ablest speech on the other side of the question. The Constitution declares that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy." What was the position which that Senator then attempted to maintain? In order to prove that we had no power to obliterate or destroy our journals, he thought it necessary to contend that the word "keep" as used in the Constitution, means both to record and to preserve. This appeared to me to be a mere begging of the question.

I shall attempt no definition of the word "keep." At least since the days of Plato, we know that definitions have been dangerous. Yet I think that the meaning of this word, as applied to the subject matter, is so plain that he who runs may read. If I direct my agent to keep a journal of his proceedings, and publish the same, my palpable meaning is, that he shall write these proceedings down, from day to day, and publish what he has written for general information. After he has obeyed my commands, after he has kept his journal, and published it to the world, he has executed the essential part of the trust confided to him. What becomes of this original manuscript journal afterwards, is a matter of total indifference. So in regard to the manuscript journals of either House of Congress: after more than a thousand copies have been printed, and published, and distributed over the Union, it is a matter of not the least importance what disposition may be made of them. They have answered their purpose, and, in any practical view, become useless. If they were burnt, or otherwise destroyed, it would not be an event of the slightest public consequence. Such indifference has prevailed upon this subject, that these journals have been considered, in the House of Representatives, as so much waste paper, and, during a period of thirty-four years after the organization of the Government, they were actually destroyed. (Vide the Appendix.) From this circumstance, no public or private inconvenience has been or ever can be sustained; because our printed journals are received in evidence in all courts of justice in the same manner as if the originals were produced.

The Senator from Louisiana has discovered that to "keep" means both "to record" and "to preserve." But can you give this, or any other word in the English language, two distinct and independent meanings at the same time, as applied to the same subject? I think not. From the imperfection of human language, from the impossibility of having appropriate words to express every idea, the same word, as applied to different subjects, has a variety of significations. As applied to any one subject, it cannot, at the same time, convey two distinct meanings. In the Constitution it must mean either "to write down," or "to preserve." It cannot have both significations. Let Senators, then, take their choice. If it signifies "to write down," as it unquestionably does, what becomes of the constitutional injunction to preserve? The truth is, that the Constitution has not provided what shall be done with the manuscript journal, after it has served the purposes for which it was called into existence. When it has been published to the people of the United States, for whose use it was ordered to be kept; after it has thus been perpetuated, and they have been furnished with the means of judging of the public conduct of their public servants, it ceases to be an object of the least importance. Whether it be thrown into the garret of the Capitol with other useless lumber, or be destroyed, is a matter of no public interest. It has probably never once been referred to in the history of our Government. If it should ever be determined to be a violation of the Constitution to obliterate or destroy this manuscript journal, it must be upon different principles from those which have been urged in this debate. My own impression is, that as the framers of the Constitution have directed us to keep a journal, a constructive duty

may be implied from this command, which would forbid us to obliterate or destroy it. Under this impression, I should vote, as I did twenty years ago, in the Legislature of Pennsylvania, against any proposition actually to expunge any part of the journal. But waiving this unprofitable discussion, let us proceed to the real point in controversy.

Is any such proceeding as that of actually expunging the journal, proposed by the resolution of the Senator from Missouri? I answer, no such thing. If the Constitution had, in express terms, directed us to record and to preserve a journal of our proceedings, there is nothing in the resolution now before us which would be inconsistent with such a provision.

Is the drawing of a black line around the resolution of the Senate of March, 1834, to obliterate or to deface it? On the contrary, is it not to render it more conspicuous,—to place it in bold relief,—to give it a prominence in the public view, beyond any other proceeding of this body, in past, and I trust, in all future time. If the argument of Senators were, not that we have no power to obliterate; but that the Senate possessed no power to render one portion of the journal more conspicuous than another, it would have had much greater force. Why, sir, by means of this very proceeding, that portion of our journal upon which it operates will be rescued from a slumber which would otherwise have been eternal, and, fac-similes of the original resolution, without a word or a letter defaced, will be circulated over the whole Union.

But, sir, this resolution also directs that across the face of the condemnatory resolution there shall be written by the Secretary, "Expunged by order of the Senate this —— day of ——, in the year of our Lord 1837."

Will this obliterate any part of the original resolution? If it does, the duty of the Secretary will be performed in a very bungling manner. No such thing is intended. It would be easy to remove every scruple from every mind upon this subject, by amending the resolution of the Senator from Missouri, so as to direct the Secretary to perform his duty in such a manner as not to obliterate any part of the condemnatory resolution. Such a direction, however, appears to me to be wholly unnecessary. The nature of the whole proceeding is very plain. We now adopt a resolution, expressing our strong reprobation of the original resolution; and for this purpose we use the word "expunged," as the strongest term which we can apply. We then direct our Secretary to draw black lines around it, and place such a reference to our proceedings of this day upon its face, that in all time to come, whoever may inspect this portion of our journal, will be pointed at once to the record of its condemnation. What lawyer has not observed upon the margin of the judgment docket, if the original judgment has been removed to a superior court, and there reversed, a minute of such reversal? In our editions of the statutes, have we not all noted the repeal of any of them, which may have taken place at a subsequent period? Who ever heard, in the one case or in the other, that this was obliterating or destroying the record, or the book? So in this case, we make a mere reference to our future proceeding upon the face of the resolution, instead of the margin. Suppose we should only repealt he obnoxious resolution, and direct such a reference to be made upon its face? Would any Senator contend that this would be an obliteration of the journal?

But it has been contended that the word *expunge* is not the appropriate word; and we have wrested it from its true signification, in applying it to the present case. Even if this allegation were correct, the answer would be at hand. You might then convict us of bad taste, but not of a violation of the Constitution. On the face of the resolution we have stated distinctly what we mean. We have directed the Secretary in what manner he shall understand it, and we have excluded the idea that it is our intention to obliterate or to destroy the journal.

But I shall contend that the word *expunge* is the appropriate word, and that there is not another in the English language so precisely adapted to convey our meaning. I shall show, from the highest literary and parliamentary authorities, that this word has acquired a signification entirely distinct from that of actual obliteration. Let me proceed immediately to this task. After citing my authorities, I shall proceed with the argument. First, then, for those of a literary character. I read from Crabbe's Synonymes, page 140; and every Senator will admit that this is a work of established reputation. In speaking of the use of the word expunge, the author says: "When the contents of a book are in part rejected, they are aptly described as being *expunged;* in this manner the free-thinking sects *expunge* every thing from the Bible which does not suit their purpose, or they *expunge* from their creed what does not humor their passions." The idea that an actual obliteration was intended in these cases would be manifestly absurd. In the same page there is a quotation from Mr. Burke to illustrate the meaning of this word. "I believe," says he, "that any person who was of age to take a part in public concerns forty years ago (if the intermediate space were *expunged* from his memory) could hardly credit his senses when he should hear that an army of two hundred thousand men was kept up in this island." I shall now cite Mr. Jefferson as a literary authority. He has often been referred to on this floor as a standard in politics. For this high authority, I am indebted to my friend from Louisiana (Mr. Nicholas.) In the original draft of the declaration of independence, he uses the word *expunge* in the following manner: "Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them *to expunge* their former systems of Government." Although the word *alter* was afterwards substituted for *expunge*, I presume upon the ground that this was too strong a term, yet the change does not detract from the literary authority of the precedent.—*Jefferson's Correspondence, &c. 1st volume, page 17.*

I presume that I have shown that the word *expunge* has acquired a distinct metaphorical meaning in our literature, which excludes the idea of actual obliteration. If I should proceed one step further, and prove that in legislative proceedings it has acquired the very same signification, I shall then have fully established my position. For this purpose I cite, first, "the Secret Proceedings and

debates of the Federal Convention." In page 118, we find the following entries: "On motion *to expunge* the clause of the qualification as to age, it was carried—ten States against one." Again: "On the clause respecting the ineligibility to any other office, it was moved that the words 'by any particular State,' *be expunged*—four States for, five against, and two divided." So page 119. "The last blank was filled up with *one year*, and carried—eight ayes, two noes, one divided."

"Mr. Pinckney moved *to expunge* the clause—agreed to, *nem. con.* Again: "Mr. Butler moved *to expunge* the clause of the stipends—lost, seven against, three for, one divided." Again, in page 157, "Mr. Pinckney moved that that part of the clause which disqualifies a person from holding an office in the State *be expunged*, because the first and best characters in a State may thereby be deprived of a seat in the national council."

"Question put *to strike out* the words moved for and carried—eight ayes, three noes."

It will thus be perceived that in the proceedings of the very convention which formed the Constitution under which we are now governed, the word *expunge* was often used in its figurative sense. It will certainly not be asserted, or even intimated, by any Senator here, that when these motions to expunge prevailed, the words of the original draft of the Constitution were actually obliterated or defaced. The meaning is palpable. These provisions were merely rejected; not actually blotted out.

But I shall now produce a precedent precisely in point. It presents itself in the proceedings of the Senate of Massachusetts, and refers to the famous resolution of that body adopted on the 15th day of June, 1813, in relation to the capture of the British vessel Peacock: denouncing the late war, and declaring that it was not becoming in a moral and religious people, to express any approbation of military or naval exploits which were not immediately connected with the defence of our seacoast. Some ten years afterwards, a succeeding Senate of Massachusetts adopted the following resolution:

"*Resolved*, That the aforesaid resolve of the fifteenth day of June, A. D. 1813, and the preamble thereof, *be, and the same are hereby, expunged from the journals of the Senate.*"

It is self-evident that, in this case, not the least intention existed of defacing the old manuscript journal. The word "expunge" was used in its figurative signification, just as it is in the case before us, to express the strongest reprobation of the former proceeding. That proceeding was to be expunged solely by force of the subsequent resolution, and not by any actual obliteration. There never was any actual obliteration of the journal.

Judging, then, from the highest English authorities, from the works of celebrated authors and statesmen, and from the proceedings of legislative bodies, is it not evident that the word *expunge* has acquired a distinct meaning, altogether inconsistent with any actual obliteration?

All that we have heard about defacing and destroying the journal are mere phantoms, which have been conjured up to terrify the timid. We intend no such thing. We only mean, most strongly, to express our conviction that the condemnatory resolution ought never to have found a place on the journal. If more authorities were wanting, I might refer to the Legislature of Virginia. The present expunging resolution is in exact conformity with their instructions to their Senators. As a matter of taste, I cannot say that I much admire their plan, though I entertain no doubt but that it is perfectly constitutional. That State is highly literary; and I think I have established that their Legislature, when they used the word *expunge*, without intending thereby to effect an actual obliteration of the journal, justly appreciated the meaning of the language which they employed.

The word *expunge* is, in my opinion, the only one which we could have used, clearly and forcibly to accomplish our purpose. Even if it had not been sanctioned by practice as a parliamentary word, we ought ourselves to have first established the precedent. It suits the case precisely. If you rescind, reverse, or repeal a resolution; you thereby admit that it once had some constitutional or legal authority. If you declare it to have been null and void from the beginning; this is but the expression of your own opinion that such was the fact. This word expunge acts upon the resolution itself. It at once goes to its origin, and destroys its legal existence as if it had never been. It does not merely kill, but it annihilates.

Parliamentary practice has changed the meaning of several other words from their primitive signification, in a similar manner with that of the word expunge. The original signification of the word rescind is "to cut off." Usage has made it mean, in reference to a law or resolution, to abrogate or repeal it. We every day hear motions "to strike out." What is the literal meaning of this expression? The question may be best answered by asking another. If I were to request you to strike out a line from your letter, and you were willing to comply with my request, what would be your conduct? You would run your pen through it immediately. You would literally strike it out. Yet what use do we make of this phrase every day in our legislative proceedings? If I make a motion to strike out a section from a bill and it prevails, the Secretary encloses the printed copy of it in black lines, and makes a note on the margin that it has been stricken out. The original he never touches. Why then should not the word expunge, without obliterating the proceeding to which it is directed, signify to destroy as if it never had existed?

After all that has been said, I think I need scarcely again recur to the Pennsylvania precedent. It is evident from the whole of that proceeding that an actual expunging of the journal was intended, if it had not already been executed. I have no recollection whatever of the circumstances, but I am under a perfect conviction, from the face of the journal, that such was the nature of the case. I should vote now as I did then, after a period of more than twenty years. Both my vote, and the motion which I subsequently made upon that occasion, evidently proceeded upon this principle. The question arose in this manner, as it appears from the journal. On the 10th of February, 1816, "The Speaker informed the House that a constitutional question being involved in a decision by him yesterday, on a motion to expunge certain proceedings from the journal, he was desirous of having the opinion of the House on that decision," viz: "that

a majority can expunge from the journal proceedings in which the yeas and nays have not been called." Now, as no trace whatever appears upon the journal of the preceding day of the motion to which the Speaker refers, it is highly probable, nay it is almost certain, that the proceedings had been actually expunged before he asked the advice of the House.

No man feels with more sensibility, the necessity which compels him to perform an unkind act towards his brother Senators than myself: but we have now arrived at that point when imperious duty demands that we should either adopt this expunging resolution or abandon it for ever. Already much precious time has been employed in its discussion. The moment has arrived when we must act. Senators in the opposition console themselves with the belief that posterity will do them justice, should it be denied to them by the present generation. They place their own names in the one scale, and ours in the other, and flatter themselves with the hope that before that tribunal at least, their weight will preponderate. For my own part, I am willing to abide the issue. I am willing to be judged for the vote which I shall give to-day not only by the present, but by future generations, should my obscure name ever be mentioned in after times. After the passions and prejudices of the present moment shall have subsided, and the impartial historian shall come to record the proceedings of this day, he will say that the distinguished men who passed the resolution condemning the President, were urged on to the act by a desire to occupy the high places in the Government. That an ambition noble in itself, but not wisely regulated, had obscured their judgment, and impelled them to the adoption of a measure unjust, illegal and unconstitutional. That in order to vindicate both the Constitution and the President, we were justified in passing this expunging resolution, and thus stamping the former proceeding with our strongest disapprobation.

I rejoice in the belief, that this promises to be one of the last highly exciting questions of the present day. During the period of General Jackson's civil administration, what has he not done for the American people? During this period he has had more difficult and dangerous questions to settle, both at home and abroad,—questions which aroused more intensely the passions of men,—than any of his predecessors. They are now all happily ended, except the one which we shall this day bring to a close,

> "And all the clouds that lowered upon our house
> In the deep bosom of the ocean buried."

The country now enjoys abundant prosperity at home, whilst it is respected and admired by foreign nations. Although the waves may yet be in some agitation from the effect of the storms through which we have passed, yet I think I can perceive the rainbow of peace extending itself across the firmament of Heaven.

Should the next administration pursue the same course of policy with the present—should it dispense equal justice to all portions and all interests of the Union, without sacrificing any—should it be conducted with prudence and with firmness, and I doubt not but that this will be the case—we shall hereafter enjoy comparative peace and quiet in our day. This will be the precious fruit of the energy, the toils, and the wisdom of the pilot who has conducted us in safety through the storms of his tempestuous administration.

I am now prepared for the question. I shall vote for this resolution; but not cheerfully. I regret the necessity which exists for passing it; but I believe that imperious duty demands its adoption. If I know my own heart, I can truly say that I am not actuated by any desire to obtain a miserable, petty, personal triumph, either for myself, or for the President of the United States, over my associates upon this floor.

I am now ready to record my vote, and thus, in the opprobrious language of Senators in the opposition, to become one of the executioners of the condemnatory resolution.

APPENDIX.

Office, House of Rep. U. S. *April* 6, 1836.

I entered this office a youth, under John Beckley, who was the first clerk of the House of Representatives under the present Constitution of the United States, and who died in the year 1807.

During the recess of Congress, he put me at what was termed "recording the journal" of the preceding session, which was to write it off from the printed copy into a large bound volume. I inquired of him why it was that it was copied, when there were so many printed copies? He answered that the printed copies would probably, in time, disappear from use, &c. the large manuscript volume would not.

The "rough journal," as it was then termed, and is still termed, being the original rough draft, read in the House on the morning after the day of which it narrates the proceedings, was not, and had not from the beginning, been preserved. I inquired the reason, and was answered, that the printed copy was the official copy, as it was printed under the official order of the House; and as errors, which were sometimes discovered in the rough journal, were corrected in the proofs of the printed copy, the printed copy was the most correct, and that, therefore, there was no use in lumbering the office with the "rough journal," after it had been printed.

Two of Mr. Beckley's immediate successors in office, Mr. Magruder and Mr. Dougherty, viewed the matter as Mr. Beckley viewed it. I know the fact from having called their attention to the subject. I often reflected upon the subject, and it appeared to me to be proper that the "rough journal" should be preserved, although I could not see any purpose whatever to be answered by doing so. I often conversed with the clerks of the office upon the subject; but as we were only subordinates, the practice was not changed till 1st session of the 18th Congress, (1823-4,) when I determined, without consulting my superior, that the "rough journal" should no longer be thrown away, but be preserved and bound in volumes; and it has been regularly preserved and bound since.

With great respect, I am, sir,

Your obedient servant,

S. DUROH.

Col. Walter S. Franklin,

Clerk House of Representatives, U. S.